

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAABDELFATAH ELLAWENDY,
Petitioner,

v.

MONTEREY COUNTY SUPERIOR
COURT,
Respondent.

Case No. 20-cv-02708 BLF (PR)

**ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
ON APPEAL**

(Docket No. 38)

Petitioner, a state parolee, filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging the voluntariness of his 2019 plea agreement. On January 10, 2023, the Court denied the petition for writ of habeas corpus on the merits and entered judgment on the same day. Dkt. Nos. 33, 34. Petitioner has filed a motion for leave to appeal *in forma pauperis*. Dkt. No. 38.

In denying the petition, the Court also denied a Certificate of Appealability because “no reasonable jurist would find the district’s court’s assessment of the constitutional claims debatable or wrong.” Dkt. No. 33 at 11-12, citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the same reason, the Court finds Petitioner’s appeal is not taken in “good faith” and consequently leave to proceed *in forma pauperis* is **DENIED**. See 28 U.S.C. 1915(a)(3). Petitioner may renew the motion in the Ninth Circuit. See Fed. R. App. P.

24(a).

This order terminates Docket No. 38.

IT IS SO ORDERED.

Dated: __February 7, 2023__


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

Order Denying IFP on Appeal
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